

FIFTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
April 6, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loj.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

Prayer by the Rev. D. L. Landrum, pastor of the First Methodist Church of Navasota.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Woodward:
S. B. No. 580, A bill to be entitled "An Act to amend Articles 1757 and 1846 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Purl, Loy, Poage, Moore, Hardin, Oneal, Pollard:

S. B. No. 581, A bill to be entitled "An Act making it unlawful for any telegraph company, authorized to transact business in this State to cause to be sent messages which have for their purpose the influencing of members of the Legislature of the State of Texas regarding any measure pending before that body; keeping on file certain forms designed therefor; defining messages that may be sent; providing a penalty, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 582, A bill to be entitled "An Act authorizing the State Treasurer to employ four extra clerks instead of three as authorized by House Bill 398, passed at the Regular Session of the Forty-second Legislature, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 583, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the Treasury Department, and authorizing payment of said claims on the taking effect of this Act, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Purl:

S. B. No. 584, A bill to be entitled "An Act regulating the use of the State Capitol and State buildings by telegraph companies; providing the means and manner of procuring space therein; and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

On motion of Senator Thomason, Senator Cousins was excused for the day on account of important business.

S. J. R. No. 12.

Senator Purl called up from the table:

By Senator Purl:

S. J. R. No. 12, A joint resolution Adding another section to Article V, of the Constitution of the State of Texas, authorizing the Legislature of Texas to fix all compensations, fees and emoluments to be paid all officers, except State Officers; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Senator Purl sent up the following amendments:

Amend S. J. R. No. 12, by Purl, by striking out all above the resolving clause and substituting in lieu thereof the following:

"By Purl.

S. J. R. No. 12.

A JOINT RESOLUTION

adding another section to Article 5 to be known as Section 30, of the Constitution, authorizing the Legislature to fix the compensation to be paid all officers except certain officers; abolishing fees of office; providing for its submission to the voters of the State of Texas, as required by the Constitution; and making an appropriation therefor."

PURL.

The amendment was read.

Amend S. J. R. No. 12 by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section. 1. That Article 5 of the Constitution of the State of Texas be amended by adding thereto another Section to be known as Section 30, to read as follows:

'Section 30. The Legislature shall fix the salary, compensation and emoluments of office for all officers other than State officers, and fees of office as a means of compensation for such officers are hereby abolished. Provided, however, that Notaries Public and such officers, whose entire time is not required by their duties, and who are not required to maintain offices, may be paid by fees. The Commissioners' Court shall prescribe the emoluments for the officers of the various precincts. All officers shall receive such compensation and fees as are now prescribed by law until the Legislature shall prescribe otherwise."

"Sec. 2. The foregoing Constitutional amendment shall be submitted

to a vote of the qualified electors of this State at the next general election to be held on the first Tuesday in November, 1932, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

'For the adoption of an amendment to the Constitution abolishing fees of office and authorizing the Legislature to prescribe the compensation and emoluments of office for all officers other than State officers and officers whose entire time is not required or who are not required to maintain offices,' and those opposed to said proposed amendment shall write or have printed on their ballots the words:

'Against the adoption of an amendment to the Constitution abolishing fees of office and authorizing the Legislature to prescribe the compensation and emoluments of office for all officers other than State officers and officers whose entire time is not required or who are not required to maintain offices.'

"Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

"Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas not otherwise appropriated to pay the expense of such publication and election."

PURL.

On motion of Senator Purl, the amendments were ordered printed in the Journal and the resolution was laid on the table subject to call.

S. C. R. No. 17.

Senator Parrish called up on minority report the following resolution:

S. C. R. No. 17, Relating to a committee to investigate certain charges against public utilities.

Read second time.

Senator Hopkins raised the point of order that Senator Parrish had previously spread on the Journal a motion to print the resolution on minority report and had not given 24 hours notice that he would call

up the motion, as required by the Senate rules.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Parrish gave notice that he would call up the motion tomorrow.

Senate Bill No. 464.

The Chair laid before the Senate on its third reading the following bill:

By Senator Pollard:

S. B. No. 464, A bill to be entitled "An Act to amend Section 1, Chapter 250, Senate Bill No. 520, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

Read third time.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 464 by inserting the words "now operates or" between the word which and may in line 15, page 1, Section 1.

DeBERRY.

Read and adopted unanimously.

Senator Purl sent up the following amendment:

Amend Section 1 of S. B. No. 464 by striking out the figure "5" and insert in lieu thereof the figure "25."

PURL.

The amendment was read.

Senator Purl withdrew the amendment.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 464 by adding at end of Section 1 Provided, the foregoing shall not apply to singing schools."

WOODRUFF.

The amendment was read.

Senator Pollard raised the point of order that the amendment was not germane.

The Chair, President Pro Tem. Carl Hardin, sustained the point of order.

Senator Pollard received unanimous consent to insert the word "commercial" between the words "branch" and "college" in line 16 of the printed bill.

On motion of Senator Pollard, the bill was laid on the table subject to call.

Senate Bill No. 37.

The Chair laid before the Senate on its third reading the following bill:

By Senator Woodul:

S. B. No. 37, A bill to be entitled "An Act to amend Article 1330, Revised Civil Statutes of 1925, and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.
Parr.	

Nays—1.

DeBerry.

Absent—Excused.

Cousins.

Senate Bill No. 542.

The Chair laid before the Senate on its third reading the following bill:

By Senator Woodward:

S. B. No. 542, A bill to be entitled "An Act to amend Article 429 of the Penal Code of 1925 of the State of Texas so as to make it an offense to falsely assume or pretend to be a State Ranger, increasing the punishment, and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Oneal
Holbrook.	Parr.

Parrish.	Small.
Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 548.

The Chair laid before the Senate on its third reading the following bill:

By Senator Woodruff:

S. B. No. 548, A bill to be entitled "An Act providing that fees in felony cases payable by the State shall be limited to three cases against the same defendant; repealing conflicting laws, and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 363.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 363, A bill to be entitled "An Act to provide for the sale to Port Isabel Channel, Dock and Wharf Company of certain submerged land under the waters of Laguna Madre in Cameron County, Texas, adjacent to the City of Port Isabel. etc., and, declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator Parr sent up the following amendments:

Amend S. B. No. 363 by substituting the words: "City of Port Isabel," where the words: "Port Isabel Channel, Dock & Wharf Company" appear.

PARR.

Read and adopted.

Amend S. B. No. 363, Page 2, Line 2, of the printed bill by striking out all of Lines 2 to 16, inclusive, and substituting in lieu thereof the following:

"And, Whereas, the City of Port Isabel has acquired the title de-raigned through Rafael Garcia to the submerged and partially submerged land adjacent to the City of Port Isabel, and desires to create or cause to be created, or authorize the creation along the shore line of Laguna Madre, and adjacent to said City, in order to cause or stimulate the construction of wharves, warehouses and other improvement;

And, Whereas, owing to the uncertainty of this title, the City of Port Isabel is unable to proceed accordingly without an act of the Legislature clearing its title to the submerged and partially submerged land necessary for such purposes;"

PARR.

Read and adopted.

Amend Senate Bill No. 363, Page 5 of the printed bill, line 6, after the words "and construct" by inserting "or cause to be built and constructed."

PARR.

Read and adopted.

Amend S. B. No. 363 by adding at the end of Section 4 another Section to be known as Section 4A, to read as follows:

"Sec. 4-A. It is hereby declared to be the Legislative intent that if any Section or part of Section of this Act is held unconstitutional, that the remaining part of this Act would have been passed, notwithstanding such invalid section or part of section."

PARR.

Read and adopted.

Senator Moore sent the following amendment:

Amend S. B. No. 363, page 5 of the advance printed bill by striking out lines 13 to 16 inclusive and insert in

lieu thereof the following: "of goods; but reserving to the State all interest in all oil, gas, sulphur, and minerals of any and all character."

MOORE,

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 363 by adding a new Section to be known as Sec. 4a to read as follows: "Provided that nothing in this Act shall authorize the conveyance of any lands for anything other than for municipal purposes and upon any conveyance or lease or attempted conveyance or lease of the above described lands or any part thereof the entire right, title and interest in and to all of said lands shall revert to and vest in the State of Texas."

PURL.

The amendment was read.

Senator Moore sent up the following substitute for the amendment:

Amend S. B. No. 363, Page 5, between Sections 4 and 5 by adding a new section as follows:

Sec. 4-a. In event the City of Port Isabel should seek to transfer title of the property or lease the property to a firm, corporation or individual the revenue derived therefrom shall revert to the available school fund of the State of Texas, and deeds or lease contracts shall be approved by the Attorney General of the State."

MOORE.

The amendment was read.

On motion of Senator Parr, the bill and the pending amendments were laid on the table subject to call.

On motion of Senator Parr, the bill and the pending amendments were laid on the table subject to call.

Senate Bill No. 25.

On motion of Senator Parr, S. B. No. 25 was laid on the table subject to call.

Senate Bill No. 230.

On motion of Senator Parr, S. B. No. 230 was laid on the table subject to call.

S. C. R. No. 29.

Senator Poage sent up the following resolution:

Whereas The East Texas Chamber of Commerce will hold its annual con-

vention in Marlin, Texas, on the 19th, 20th, and 21st days of April, and

Whereas This organization is one of the outstanding institutions devoted to the advancement of this State, and this convention will be the outstanding event of its year of work and one of the greatest and most important gatherings held in the State of Texas during the year of 1931, and

Whereas There will be considered at this convention many important questions of State wide importance including many matters effecting legislation and the policy of the State Government, and

Whereas Both of the United States Senators from this State and the Governor of this State will be present to participate in the proceedings of this convention, and

Whereas These distinguished guest will address the convention on the 20th day of April, and

Whereas This Legislature has been extended a special and cordial invitation to attend such convention in the home of our distinguished United States Senator, the Honorable Tom Connally, by the personal representatives of the East Texas Chamber of Commerce and of the Marlin Chamber of Commerce, now, therefore, be it

Resolved By the Senate of Texas, the House of Representatives concurring, that the Legislature of this State do and it does hereby accept the kind invitation heretofore extended it to attend this convention on the 20th day of April and at such other times as it can conveniently do so, and expresses to the people of Marlin, Falls County, and East Texas its appreciation for the invitation to join them in this great gathering of Texans interested and working in behalf of our great State.

POAGE.

Read and adopted.

Senate Bill No. 478.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 478, A bill to be entitled "An Act extending the boundaries in the counties in Texas, adjacent to the State of New Mexico, so as to include within said counties that

part of what was formerly a part of the State of New Mexico, as fixed by the survey of John H. Clark, which was approved by the Acts of Congress, Sixty-first Congress, Third Session, S. J. R. No. 124; prescribing metes and bounds for the perfecting of records, and the admission of evidence affecting title to such lands; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 478 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

Read third time and passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

26 Jour.

Senate Bill No. 382.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 382, A bill to be entitled "An Act to amend Article 6228 of Title 109 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 382 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 377.

The Chair laid before the Senate on its second reading the following bill:

By Senator Berkeley:

S. B. No. 377, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Road District Number 1 of Uvalde County, Texas, upon the question of authorizing the issuance of \$175,000.00 Uvalde County Road District No. 1 Road Bonds, Series 2, and levying a tax in payment thereof; etc."

Read second time.

On motion of Senator Berkeley, the bill was laid on the table subject to call.

Senate Bill No. 413.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 413, A bill to be entitled "An Act providing that in counties of a certain population and property valuation, the sheriff may appoint certain deputies, with the consent of the commissioners' court; providing the means and manner of appointment and payment of salaries, and prescribing the maximum salary; and declaring an emergency."

Read second time.

On motion of Senator Small, the bill was laid on the table subject to call.

Senate Bill No. 195.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 195, A bill to be entitled "An Act to amend Article 5714 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto the following, to-wit: 'Provided the specifications and tolerances issued by the Commissioner of Agriculture for weighing and measuring devices in conformity with this article, or any specifications or tolerances issued to protect the public from fraud, shall have the same force and effect as if enacted into law; and provided further any person, firm, or corporation who shall fail or

refuse to comply with said specifications and tolerances shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00);' and declaring an emergency."

Read second time.

Recess.

On motion of Senator Small, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 195.

The question recurred upon S. B. No. 195.

Senator Holbrook moved to indefinitely postpone further consideration of the bill.

Senator Moore moved to table the motion. The motion to table prevailed.

The bill was passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 195 was put on its third reading and final passage by the following vote:

Yeas—22.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hornsby.	Small.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.

Nays—2.

Holbrook.	Martin.
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Absent.

Cunningham.	Rawlings.
Hardin.	Russek.
Hopkins.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—20.

Beck.	Patton.
Berkeley.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hornsby.	Russek.
Loy.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodul.

Nays—5.

DeBerry.	Martin.
Holbrook.	Woodruff.
Hopkins.	

Absent.

Cunningham.	Rawlings.
Greer.	Woodward.
Parrish.	

Absent—Excused.

Cousins.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 368 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Holder, Rountree, Hubbard, Petsch and Stevenson.

I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session, so as to further regulate the operation of vehicles on the public highways, etc., and declaring an emergency."

H. B. No. 884, A bill to be entitled "An Act authorizing counties having a city or cities other than county

seats within their boundaries, having a population of twenty thousand and over, to provide, maintain and repair sub-courthouses and/or jails in said cities, etc., and declaring an emergency."

(With emergency rider.)

H. C. R. No. 45, Commending the United States Department of Agriculture for soil conservation work in Texas.

H. C. R. No. 49, Granting Hon. Clyde Grissom, Judge of the Thirty-ninth Judicial District permission to be absent from the State of Texas at certain intervals.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the return of H. B. No. 834 for further consideration. H. B. No. 834 is hereby returned.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 363.

Senator Parr called up from the table S. B. No. 363.

Senator Moore withdrew his substitute for the pending amendment.

Senator Purl withdrew his amendment.

Senator Poage sent up the following amendment:

Amend S. B. No. 363, page 5, between Sections 4 and 5, by adding a new section as follows:

Sec. 4-A. It is especially provided herein that fee title to the property herein described shall never be conveyed to a private firm, corporation or individual, and in event the City of Port Isabel should lease the said lands to a private firm, corporation or individual, the revenue derived from such lease or leases shall be paid into the available school fund of the State of Texas, provided said lease or leases shall first be approved by the Attorney General of the State.

POAGE,
LOY,

The amendment was read.

Senator Parr moved to table the amendment. The motion prevailed by the following vote:

Yeas—20.

Beck.	Parr.
Cunningham.	Patton.
Gainer.	Pollard.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal	Woodul.

Nays—8.

Berkeley.	Parrish.
DeBerry.	Poage.
Greer.	Purl.
Loy.	Rawlings.

Present—Not Voting.

Hardin.

Absent.

Woodward.

Absent—Excused.

Cousins.

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 363 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal
Berkeley.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—4.

DeBerry.	Purl.
Poage.	Rawlings.

Absent—Excused.

Cousins.

Bills Signed.

The Chair, Lieutenant Governor, Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 851. H. B. No. 736.
H. B. No. 821.

Simple Resolution No. 100.

Senator Loy sent up the following resolution:

Be it resolved that the House return to the Senate H. B. No. 834 for further consideration.

LOY.

Read and adopted.

Free Conference Granted.

On motion of Senator Gainer, the Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 368.

The Chair appointed the following on the part of the Senate:

Senators Gainer, Moore, Williamson, Hopkins and Small.

House Bills Referred.

H. B. No. 884 referred to Committee on Counties and County Boundaries.

H. B. No. 336 referred to Committee on State Highways and Motor Traffic.

Special Order.

On motion of Senator Russek, S. B. No. 102 was set as special order

following the special order tomorrow morning.

Senate Bill No. 263.

The Chair laid before the Senate as special order the following bill:

By Senators Greer, et al.:

S. B. No. 263, A bill to be entitled "An Act appropriating \$3,000,000.00 per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; attaching conditions, regulations and limitations relative thereto; etc."

Read second time.

Senator Greer sent up the following amendment:

Strike out Section 10 of S. B. No. 263 and insert in lieu thereof the following:

Sec. 10. It is hereby further provided that in consolidated districts formed under the provisions of this Act, with buildings and equipment approved by the State Superintendent, which shall maintain a four year high school, employing not less than three teachers, including the principal, doing high school work exclusively, and whose valuations shall not be less than Seven Hundred Fifty Thousand (\$750,000.00) dollars, may be granted out of the appropriations of this Act the sum not to exceed One Thousand (\$1,000.00) dollars for each entire district included in said consolidation; consolidated districts formed under the provisions of this Act which shall maintain a three year high school, employing not less than two teachers, including the principal doing high school work exclusively, whose valuations shall not be less than Five Hundred Thousand (\$500,000.00) Dollars, may be granted out of the appropriations of this Act the sum not to exceed Six Hundred (\$600.00) Dollars for each entire district included in said consolidation; and consolidated districts formed under the provisions of this Act which shall maintain a two year high school, employing not less than one teacher doing high school work exclusively, and whose valuations shall not be less than Three Hundred Thousand

(\$300,000.00) Dollars, may be granted out of the appropriations of this Act the sum not to exceed Four Hundred (\$400.00) Dollars for each entire district included in said consolidation; provided such rural high school districts are units in a county wide system of such high school districts mapped and planned for the entire county under the direction of the County Board of School Trustees, approved by the State Superintendent of Public Instruction, provided also, that nothing herein shall prohibit any one unit from receiving such aid on account of any other unit in said county failing to comply with this Act or to put in effect county wide plans of consolidation; provided that any building constructed from the proceeds of bonds voted to accommodate the incomplete unit shall be located at the high school center previously designated by the county board for the entire unit; provided, that if any districts during the current year have received State Aid under the provisions of this Act they shall not be counted in determining the amount of bonus for this year.

State Aid authorized under the provisions of Section 10 above may be made to reimburse districts for funds expended in the purchase of schoolroom equipment, the construction of a school building under the provisions prescribed in Section 10, or the purchase of buses to provide transportation at public expense made to the State Department.

GREER.

The amendment was read.

Senator Moore sent up the following amendment to the amendment:

Amend the pending amendment by striking out the second paragraph.

MOORE.

Read and adopted.

The amendment as amended was adopted.

The first part of Committee amendment was adopted.

Senator Greer received unanimous consent to change "State Department of Education" to "State Board of Education" in the last part of Committee Amendment No. 1.

The last part of Committee amendment No. 1 was adopted.

Senator Moore sent up the following amendment to Committee Amendment No. 2.

Amend pending amendment by striking out all after the word "year" in lines 21, 22 and 23. as printed on page 6.

MOORE.

Read and adopted.

Amend pending amendment, line 33 of Page six, by striking out "State Department of Education" and substitute in lieu thereof the words "State Board of Education."

MOORE.

Read and adopted.

The amendment as amended was adopted.

Committee Amendment No. 3 was passed temporarily.

Senator Greer sent up the following substitute for Committee Amendment No. 4:

Amend S. B. No. 263 by striking out the words and figures "\$3,000,000" wherever they occur in the bill and insert in lieu thereof the words and figures "two million seven hundred thousand dollars," (\$2,700,000).

GREER,
POLLARD,
THOMASON.

Read and lost by the following vote:

Yeas—12.

Beck.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Loy.	Woodruff.

Nays—13.

Berkeley.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Moore.	Stevenson.
Parr.	Williamson.
Poage.	

Absent.

Hopkins.	Woodul.
Martin.	Woodward.
Oneal	

Absent—Excused.

Cousins.

Senator Greer sent up the following substitute for Committee Amendment No. 4:

Amend S. B. No. 263 by striking out \$2,500,000 out of Committee Amendment No. 4 and inserting in lieu thereof the words and figures (\$2,600,000) two million six hundred thousand dollars.

GREER,
POLLARD,
THOMASON,
DeBERRY.

The substitute was read and adopted by the following vote:

Yeas—17.

Beck.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Russek.
Loy.	Thomason.
Martin.	Woodruff.
Neal.	Woodul.
Parr.	

Nays—11.

Berkeley.	Rawlings.
Holbrook.	Small.
Hornsby.	Stevenson.
Moore.	Williamson.
Oneal	Woodward.
Poage.	

Absent.

Hardin.	Hopkins.
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Absent—Excused.

Cousins.

The amendment as substituted was adopted.

Senator Greer sent up the following amendment to Committee Amendment No. 3:

by cutting out the words and figures four hundred thousand dollars and insert in lieu thereof the words and figures five hundred thousand dollars (\$500,000.00).

GREER,
POLLARD,
THOMASON,
DeBERRY.

Read and adopted.

The amendment as amended was adopted.

Senator Moore moved to table Committee Amendment No. 5. The motion prevailed.

Committee Amendment No. 6 was adopted.

Committee Amendment No. 7 was adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 263, Section 17 thereof by striking out all of said section after the word "appropriated" in line 48 and substitute therefor the following: "The County School Board of the County in which any applying district or districts making application for aid under this Act is situated shall at the request of the State Superintendent of Public Instruction make thorough investigation in person of the grounds, building equipment, teaching force, and financial condition of such district or districts so applying for aid, and said County School Board shall make report to the State Superintendent of Public Instruction on forms to be submitted by him and furnished to said County School Board for such purpose, and no aid shall be allowed any applying district or districts unless and until the said County School Board's Report to the State Superintendent of Public Instruction shows all laws of the State and all requirement theretofore made by said State Superintendent of Public Instruction have been complied with.

MARTIN.

The amendment was read.

Senator Moore sent up the following substitute for the amendment:

Substitute for pending amendment:

Amend Senate Bill No. 263 by striking out Section 17 and inserting in lieu thereof the following:

"Section 17. It shall be the duty of the State Board of Education to take such action and to promulgate intelligent rules and regulations consistent with the terms of this Act as may be necessary to carry out the provisions of this Act.

It shall be the duty of the County Superintendent of Schools in the County receiving aid under this Act, upon oath or affidavit to make thorough inspection and investigation in person of the grounds, buildings, equipment and financial condition of each school applying for aid; and no aid shall be granted unless it can be shown that all provisions of this Act and the regula-

tions made by the State Board of Education have been complied with, and that such amount of aid is actually needed."

MOORE.

The substitute was read.

Free Conference Report.

Senator Gainer sent up the following Free Conference Committee report:

Committee Room,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs:, We, your Free Conference Committee, to adjust the difference between the House and the Senate, on H. B. No. 368, has met and has agreed to retain the House amendment which was removed by an amendment in the Senate containing the words "with the approval of the Legislature."

We beg leave to recommend that this bill pass with this amendment included.

GAINER,
MOORE,
WILLIAMSON,

On part of the Senate.

HOLDER
ROUNTREE,
PETSCH,
HUBBARD,
STEVENSON,

On part of the House.

Read and adopted by the following vote:

YEAS—30.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal	Woodward.

Absent—Excused.

Cousins.

House Bill No. 834.

Senator Loy moved to reconsider the vote by which H. B. No. 834 was finally passed. The motion prevailed.

The bill was finally passed by the following vote:

Yeas—24.

Beck.	Patton.
Berkeley.	Poage.
Cunningham.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Nays—5.

DeBerry.	Parrish.
Hornsby.	Purl.
Oneal	

Absent.

Hopkins.

Present—Not Voting.

Cousins.

Recess.

Senator Stevenson moved to adjourn until tomorrow morning at 10 o'clock.

Senator Moore moved to recess until 10 o'clock tomorrow morning.

The motion to adjourn was lost.

The motion to recess prevailed and at 5:18 o'clock p. m., the Senate recessed.

APPENDIX.**Petitions and Memorials.**

Austin, Texas, March 31, 1931.
Lieut. Governor Edgar E. Witt,
Capitol Station.

Dear Sir: The members of the Legislature, their families and friends are cordially invited to attend the performance of Spalding's "Yanki San," an operetta in two acts, to be given at the Texas School for the Blind auditorium on the evening of April 8 at 8:15.

All members who are interested in transportation to the school will

assemble at the north door of the Capitol at 7:30 on the evening of April 8.

W. E. ALLEN, Superintendent.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 283 carefully examined and compared and find some correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 464 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 515 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 128 carefully examined and compared and find some correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 395 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 366,

carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Mills, have had S. B. No. 575 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, April 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 306, carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 393, carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, April 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 566, carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 352, carefully examined and compared and find same correctly engrossed.

Committee Room,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 184, carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 17, carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 6, 1931.
Hon. Edgar E. Witt, Chairman of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

H. B. No. 739, A bill to be entitled "An Act fixing the compensation of County Commissioners in counties having a population of not more than six thousand three hundred twenty (6,320), nor less than six thousand three hundred ten (6,310) according to the United States Census of 1930, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman.

FIFTY-FIFTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 7, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Carl Hardin.

Senate Bill No. 263.

The question recurred on the pending amendment to S. B. No. 263 (Rural Aid bill).

On motion of Senator Thomason, the bill was laid on the table subject to call on account of illness in the family of Senator Greer, the author of the bill.

Adjournment.

On motion of Senator Woodul, the Senate, at 10:02 o'clock a. m., adjourned until 10:04 o'clock a. m., Tuesday.